

AMENDED IN ASSEMBLY FEBRUARY 26, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 36

Introduced by Assembly Member Dahle

December 3, 2012

An act to amend Section 1203.6 of the Penal Code, and to amend Section 270 of the Welfare and Institutions Code, relating to probation.

LEGISLATIVE COUNSEL’S DIGEST

AB 36, as amended, Dahle. Probation officer: appointments.

Existing law establishes the office of the adult probation officer, and provides for the appointment and removal of the adult probation officer in each county by the court, except if otherwise provided for in a charter county.

This bill would require the board of supervisors, *in conjunction with the presiding judge*, to appoint and *would* authorize the board to remove, for good cause, the adult probation officer. ~~The bill would permit the courts to have input during the appointment process. The bill would require, in a county where the superior court has more than 2 judges, that the board of supervisors, in conjunction with a majority of the judges, make the appointment and be authorized to effect the removal of the adult probation officer.~~

Existing law authorizes the office of probation officer *to* be appointed by the juvenile court, upon nomination by the juvenile justice commission or the regional justice commission, unless otherwise provided in charter counties. This probation officer and his or her appointees are ex officio adult probation officers, unless the county charter provides for a separate office of adult probation officer.

~~This bill would require the board of supervisors to appoint the probation officer, upon nomination by the juvenile justice commission or the regional justice commission, in a manner determined by ordinance, with input by the juvenile court during the appointment process.~~

This bill would require the board of supervisors to, by ordinance, direct the manner in which a probation officer in any county is nominated by the juvenile justice commission or the regional justice commission, and would require the board of supervisors, in conjunction with the judge of the juvenile court, to appoint the probation officer.

Existing law authorizes the probation officer to appoint deputies or assistant probation officers, subject to approval by a majority vote of the juvenile justice commission and the judge of the juvenile court, and in order for the probation officer, in his or her discretion, to terminate or revoke the appointment of the deputies or assistants, the probation officer would need the written approval of a majority of the members of the juvenile justice commission and of the judge of the juvenile court. Existing law authorizes the judge of the juvenile court to remove the probation officer for good cause shown, ~~and~~ *but* the removal may take place at any time, in the judge's discretion, with the written approval of a majority of the juvenile justice commission.

This bill would delete the requirement that the judge of the juvenile court approve the probation officer's appointments and instead require the county board of supervisors to do so. The bill would delete the probation officer's discretion to terminate or revoke the appointment of deputies or assistant probation officers. The bill would also delete the judge of the juvenile court and the juvenile justice commission's authority in the removal of the probation officer, and only allow the probation officer to be removed by the county board of supervisors for good cause shown.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1203.6 of the Penal Code is amended to
- 2 read:
- 3 1203.6. (a) The county board of supervisors, *in conjunction*
- 4 *with the presiding judge*, shall appoint and may remove for good
- 5 cause the adult probation officer. ~~In a county with two superior~~

1 ~~court judges, the presiding judge shall have input during the~~
2 ~~appointment process of the adult probation officer.~~ In a county
3 where the superior court has more than two judges, *the county*
4 *board of supervisors, in conjunction with* a majority of the judges,
5 ~~shall have input during the appointment process make the~~
6 *appointment and may effect removal of the adult probation officer.*

7 (b) The salary of the probation officer shall be established by
8 the board of supervisors.

9 (c) The adult probation officer shall appoint and may remove
10 all assistants, deputies, and other persons employed in the officer's
11 department, and their compensation shall be established, according
12 to the merit system or civil service system provisions of the county.
13 If no merit system or civil service system exists in the county, the
14 board of supervisors shall provide for appointment, removal, and
15 compensation of those personnel.

16 (d) This section is applicable in a charter county whose charter
17 establishes the office of adult probation officer and provides that
18 the officer shall be appointed in accordance with general law
19 subject to the merit system provisions of the charter.

20 SEC. 2. Section 270 of the Welfare and Institutions Code is
21 amended to read:

22 270. (a) Except as provided in Section 69906.5 of the
23 Government Code, there shall be in each county the offices of
24 probation officer, assistant probation officer, and deputy probation
25 officer. A probation officer shall be appointed in every county.

26 (b) The board of supervisors shall, by ordinance, direct the
27 manner in which a probation officer in any county is nominated
28 by the juvenile justice commission or regional justice commission
29 of the county. The board of supervisors, *in conjunction with the*
30 *judge of the juvenile court,* shall appoint the probation officer ~~with~~
31 ~~the input of the judge of the juvenile court during the appointment~~
32 ~~process.~~ *officer.*

33 (c) The probation officer may appoint as many deputies or
34 assistant probation officers as the probation officer desires; but
35 the deputies or assistant probation officers shall not have authority
36 to act until their appointments have been approved by a majority
37 vote of the members of the juvenile justice commission, and by
38 the board of supervisors. The term of office of each deputy or
39 assistant probation officer shall expire with the term of the

- 1 probation officer who appointed the deputy or assistant probation
- 2 officer.
- 3 (d) Probation officers may at any time be removed by the board
- 4 of supervisors for good cause shown.

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